PS 8C
(05/08)

August 21, 2008

FILED
2008 AUG 27 AM 8:32
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

Petition for Summons for Defendant on Pretrial Release

Name of Defendant: Haro, Diana Natividad **Dkt No.:** 08CR2033-BTM-001

Reg. No.: 08637-298

Name of Judicial Officer: The Honorable Barry Ted Moskowitz , U.S. District Judge (Judge Moskowitz requested this matter be heard before the Honorable Jan M. Adler, U.S. Magistrate Judge)

Next Court Hearing: October 28, 2008 at 9:00 am for Sentencing before Judge Moskowitz.

Charged Offense: Title 8 U.S.C. § 1324 (Alien Smuggling)

Date Conditions Were Ordered: May 28, 2008, before Judge Adler

Conditions of Release: a travel restriction to the Southern District of California, do not enter Mexico; report for supervision to Pretrial Services; not possess or use any narcotic drug or other controlled substance without a valid medical prescription; do not possess any dangerous weapon or explosive device; actively seek and maintain full-time employment, schooling or combination of both.

Modification: None

Date Released on Bond: June 20, 2008

AUSA: Douglas Keehn
(619) 557-6549

Defense Counsel: Candis Mitchell, Federal Defenders, Inc.
(619) 234-8467

Prior Violation History: None.

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PETITIONING THE COURT

TO SUMMON THE DEFENDANT TO APPEAR IN COURT AND ADDRESS THE ALLEGATIONS

The Pretrial Services officer believes the defendant has violated the following condition(s) of pretrial release:

CONDITION(S)	ALLEGATION(S) OF NONCOMPLIANCE
(Standard Condition) Not possess or use any narcotic drug or other controlled substance as defined in 21 USC 802, without a lawful medical prescription.	1. The defendant admitted to using methamphetamine on August 3, 2008.

Grounds for Revocation: On August 14, 2008, the undersigned spoke to John Klack, the PC1000 case manager for the defendant. The defendant is currently on diversion for her state case (#CE2790858). He advised the defendant started the program on August 4, 2008. On August 14, 2008, the undersigned received and reviewed written laboratory notification from Norchem Drug Testing Laboratory which verifies the urine specimen provided by the defendant at PC1000, on August 4, 2008, tested positive for methamphetamine. On August 18, 2008, the defendant reported to the office as instructed. The undersigned asked the defendant if she had been using illicit drugs while on bond. The defendant candidly reported she had used methamphetamine on August 3, 2008.

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SUPERVISION ADJUSTMENT: Ms. Haro began pretrial supervision on June 20, 2008. Aside from her current violation, the defendant had been in compliance.

Criminal computerized record checks reveal the defendant has a Proof of Compliance Hearing scheduled for January 10, 2009. Ms. Haro has an active diversion case with the State of California (#CE279085) in which she has been required to participate in the PC1000 Program (substance abuse program).

RECOMMENDATION/JUSTIFICATION: Due to the defendant's own admission of using methamphetamine while on bond, and currently participating in a court ordered outpatient drug treatment program, we strongly recommend the defendant be cited to appear in court before your Honor on August 26, 2008, at 2:00 p.m., to show cause why her bond should not be revoked.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 8/21/08

Respectfully submitted:
LORI A. GAROFALO
CHIEF PRETRIAL SERVICES OFFICER

by
Eleonor Ruiz
U.S. Pretrial Services Officer
(619) 557-2991
Place: San Diego, California

Reviewed and approved:

Boris Ilic
Supervising U.S. Pretrial Services Officer

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THE COURT ORDERS:

__✓__ AGREE, cite the defendant to appear on August 26, 2008, at 2:00 p.m., to show cause as to her bond should not be revoked.

______ Other ______________________________

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[signature] ______________________________ 8/26/08 ______________
The Honorable Jan M. Adler Date
U.S. Magistrate Judge